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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

WEINER et al.

Serial No.: 08/823,980

Art Unit: 1644

Filing Date: March 25, 1997

Examiner: R. Schwadron

Title: CONSERVED MOTIF OF HEPATITIS C VIRUS E2/NS1 REGION

TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Chiron Corporation, hereinafter "Assignee", a Delaware corporation, having an address at 4560 Horton Street, Emeryville, California 94662-8097, is the owner of the entire right, title and interest in and to application U.S. Serial No. 08/823,980, filed March 25, 1997, by virtue of an assignment recorded March 29, 1999 at Reel 9852, Frame 0897 and is also the owner of the entire right, title and interest in and to U.S. Patent Application Serial No. 08/437,952, filed May 9, 1995, by virtue of an assignment recorded March 15, 1999 at Reel 9823, Frame 0569.

In accordance with 37 C.F.R. §3.73(b), Assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of Assignee's knowledge and belief, title is in the assignee seeking to take this action.

The assignee hereby disclaims the terminal part of any patent granted on the above-captioned application Serial No. 08/823,980 which would extend beyond the expiration date of U.S. Serial No. 08/437,952, except as provided below, and agrees that any patent granted on the above-captioned application 08/823,980 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Serial No. 08/437,952, this agreement to run with any patent granted on the above-captioned application Serial No. 08/823,980 and to be binding upon the grantee, its successors or assigns.

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In making this disclaimer, the assignee does not disclaim any terminal part of any patent granted on the above-identified application Serial No. 08/823,980 that would extend to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Serial No. 08/437,952 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 18-1648.

Executed at Emeryville, California

By: Michael J. Moran
Michael J. Moran

Title: Assistant Secretary

Date: 1/17/05